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Atlantic Coast Joint Venture

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US District Judge Patti B. Saris
United States District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way - Suite 2300
Boston, MA 02210

January 31, 2011

Re: United States v. ExxonMobil Pipeline Company

Dear Judge Saris,

The U.S. Fish & Wildlife Service (USFWS) is pleased to present the second annual report to the United States Attorney's Office and the U.S. District Court, District of Massachusetts in the above matter. In this case, a \$4,640,982 community service payment was deposited in the North American Wetlands Conservation Act (NAWCA) fund for wetland conservation, "exclusively for qualified coastal wetland restoration projects within the District of Massachusetts, with preference to qualified coastal wetland restoration projects within the Mystic River watershed."

The NAWCA grants program has three proposal application windows each year: two for "Standard" (one million dollar) Grants, and one for "Small" (\$75,000) Grants. Deadlines and complete program information are advertised year-round at their website (<http://www.fws.gov/birdhabitat/Grants/NAWCA/index.shtm>). The USFWS Division of Bird Habitat Conservation, which administers the NAWCA program, received nine Standard Grant proposal applications from within Massachusetts during the 2010 calendar year (see below). These proposals are available to download or print at our website (<http://www.acjv.org/grants.htm>) until March or April, 2011. Two of the nine proposals ("Chelsea Creek Former Hess Site Purchase" and "Chelsea Creek Former Hess Site Restoration") were deemed ineligible by the USFWS because applicants did not secure the required 1:1 non-federal match required by the NAWCA Grants Program. It seems that the applicants had written the proposal in hopes that the City of Boston (Boston Redevelopment Authority) would donate most of the value of the city-owned land (i.e., the former Hess Site in Boston) that was the subject of the grant. However, the city did not do so, as it wants to develop that property for industrial purposes.

A subcommittee of the NAWCA Council staff met in September and October, 2010, in Arlington, Virginia to review and discuss eligible proposals. Council staff selected four projects which they recommended to the NAWCA Council, which subsequently approved them for funding at their December, 2010 meeting. Projects selected were: Chelsea Creek Wetlands and Habitat Conservation Project, Great Marsh Habitat Protection, Buzzards Bay: Little River, and Buzzards Bay: Lower Weweantic. Project details are summarized in the table below.

Summary of FY2011 NAWCA Projects Selected from Massachusetts

<u>Project</u>	<u>Activity</u>	<u>Acres</u>	<u>Grant Request</u>
Chelsea Creek Wetlands & Habitat Conservation Project	Protection	16	\$1,663,150
Great Marsh Habitat Protection	Restoration	9	
Buzzards Bay: Little River	Protection	210	\$1,000,000
Buzzards Bay: Lower Weweantic	Protection	134	\$925,025
	Protection	128	\$796,306

These projects were selected due to a combination of factors, including the NAWCA program's goal of making nationally significant contributions to wetland habitat conservation, as well as a desire to fund projects in the Mystic River watershed, especially those in proximity to the area where the spill occurred.

The NAWCA Council's recommendations must be approved by the Migratory Bird Conservation Commission (MBCC) when it meets on March 9, 2011, in Washington, DC. Excepting unforeseen circumstances (e.g., a project is withdrawn and a replacement selected), these four projects are expected to be approved by the MBCC, after which grant agreements will be written and these projects will begin receiving funds by summer of 2011.

If you have any questions please do not hesitate to email (mitch_hartley@fws.gov) or call me at (413) 253-8779.

Sincerely,



Mitschka J. Hartley, Ph.D.
Coordinator, Atlantic Coast Joint Venture
U.S. Fish & Wildlife Service